

AMENDED IN ASSEMBLY AUGUST 12, 2008

AMENDED IN ASSEMBLY JULY 1, 2008

AMENDED IN ASSEMBLY JUNE 17, 2008

AMENDED IN ASSEMBLY MAY 13, 2008

AMENDED IN ASSEMBLY MAY 30, 2007

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 462

Introduced by Senator Torlakson
(~~Coauthor: Assembly Member Huffman~~)

February 21, 2007

~~An act to amend Sections 1250, 1250.1, 1746, 1749, and 1750 of, and to add Sections 1749.1, 1749.3, and 13131.6 to, the Health and Safety Code, relating to hospice care. An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 462, as amended, Torlakson. ~~Hospice providers: licensed hospice facilities. State claims.~~

Existing law requires the California Victim Compensation and Government Claims Board to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state allowed by the board.

This bill would appropriate \$552,483.73 from various funds to the Executive Officer of the California Victim Compensation and Government Claims Board to pay claims accepted by the board. This

bill would require the Controller, upon the request of the board, in a form prescribed by the Controller, to transfer surcharges and fees from the Budget Act items of appropriation identified in this bill to Item 1870-001-0001 of Section 2.00 of the Budget Act of 2008, as specified.

Existing law requires the state to pay counties for the costs of conducting specified elections proclaimed by the Governor.

This bill would appropriate \$234,000 from the General Fund to the board to pay a claim resulting from county election costs under these provisions.

This bill also would appropriate to the board \$31,700 to pay a specified claim accepted by the board and \$17,279.52 to pay specified victim compensation claims.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law provides for the licensure and regulation of health facilities, as defined, by the State Department of Public Health.~~

~~Existing law provides for the licensure and regulation by the department of certain persons or agencies providing hospice services for persons, and the families of persons, who are experiencing the last phases of life due to a terminal disease. Hospice services may be provided, under specified conditions, in certain health facilities or in a residential care facility for the elderly. Violation of provisions of law or regulations relating to these licensing provisions is a crime.~~

~~This bill would permit a licensed and certified hospice provider to provide hospice care to patients as a freestanding health facility through the operation of a licensed hospice facility, as defined. The bill would require the department to adopt regulations that establish standards for licensed hospice facilities, in accordance with prescribed requirements. The bill would require any costs associated with the adoption of hospice facility regulations or the oversight of hospice facilities to be funded by licensing fees collected from the licensed hospice facilities.~~

~~This bill would provide that it is the intent of the Legislature that any costs associated with the provisions of the bill incurred by the department would be funded by licensing fees collected from the regulated community.~~

~~By creating a new health facility licensure category and by modifying existing hospice care provisions, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) *The sum of five hundred fifty-two thousand*
2 *four hundred eighty-three dollars and seventy-three cents*
3 *(\$552,483.73) is hereby appropriated from the various funds, as*
4 *specified in subdivision (b), to the Executive Officer of the*
5 *California Victim Compensation and Government Claims Board*
6 *for the payment of claims accepted by the board in accordance*
7 *with the schedule set forth in subdivision (b).*

8 (b) *Pursuant to subdivision (a), claims accepted by the*
9 *California Victim Compensation and Government Claims Board*
10 *shall be paid in accordance with the following schedule:*

11		
12	<i>Total for Fund: General Fund (0001).....</i>	<i>\$468,800.38</i>
13	<i>Total for Fund: Item 0840-001-0001</i>	
14	<i>Budget Act of 2008, Program 50.....</i>	<i>\$139.17</i>
15	<i>Total for Fund: Item 1760-001-0666</i>	
16	<i>Budget Act of 2008, Program 15.6.....</i>	<i>\$7,798.20</i>
17	<i>Total for Fund: Item 1760-001-0666</i>	
18	<i>Budget Act of 2008, Program 30.....</i>	<i>\$696.71</i>
19	<i>Total for Fund: Item 1900-001-0822</i>	
20	<i>Budget Act of 2008.....</i>	<i>\$4,489.64</i>
21	<i>Total for Fund: Item 2660-001-0042</i>	
22	<i>Budget Act of 2008, Program 20.10.....</i>	<i>\$17,089.74</i>
23	<i>Total for Fund: Item 2740-001-0044</i>	
24	<i>Budget Act of 2008, Program 11.....</i>	<i>\$583.19</i>
25	<i>Total for Fund: Item 5225-001-0001</i>	
26	<i>Budget Act of 2008, Program 10.....</i>	<i>\$769.78</i>
27	<i>Total for Fund: Item 5225-001-0001</i>	
28	<i>Budget Act of 2008, Program 25.....</i>	<i>\$17,326.44</i>
29	<i>Total for Fund: Item 5225-001-0001</i>	
30	<i>Budget Act of 2008, Program 30.....</i>	<i>\$7,328.48</i>

1	<i>Total for Fund: Item 6610-510-0948</i>	
2	<i>Budget Act of 2008.....</i>	<i>\$17,358.38</i>
3	<i>Total for Fund: Item 7100-001-0185</i>	
4	<i>Budget Act of 2008, Program 21.....</i>	<i>\$6,369.58</i>
5	<i>Total for Fund: Item 8380-001-0821</i>	
6	<i>Budget Act of 2008, Program 54.....</i>	<i>\$372.00</i>
7	<i>Total for Fund: Item 8430-901-0512</i>	
8	<i>Budget Act of 2008.....</i>	<i>\$3,362.04</i>

9

10 *SEC. 2. Upon the request of the California Victim*
 11 *Compensation and Government Claims Board, in a form prescribed*
 12 *by the Controller, the Controller shall transfer surcharges and*
 13 *fees from the Budget Act items of appropriation identified in*
 14 *subdivision (b) of Section 1 of this act to Item 1870-001-0001 of*
 15 *Section 2.00 of the Budget Act of 2008. For each Budget Act item*
 16 *of appropriation, this amount shall not exceed the cumulative total*
 17 *of the per claim filing fees authorized by subdivision (b) of Section*
 18 *905.2 of the Government Code and the surcharge authorized by*
 19 *subdivision (f) of Section 905.2 of the Government Code. For those*
 20 *items in subdivision (b) that do not reflect a Budget Act*
 21 *appropriation, the Controller shall transfer an amount not to*
 22 *exceed the cumulative total of the per claim filing fees authorized*
 23 *by subdivision (b) of Section 905.2 of the Government Code and*
 24 *the surcharge authorized by subdivision (f) of Section 905.2 of the*
 25 *Government Code. This amount shall be transferred for support*
 26 *of the board as reimbursements to Item 1870-001-0001 of Section*
 27 *2.00 of the Budget Act of 2008. The board shall provide a report*
 28 *of the amounts recovered pursuant to this authority to the*
 29 *Department of Finance within 90 days of the enactment of this act.*

30 *SEC. 3. (a) The sum of two hundred thirty-four thousand*
 31 *dollars (\$234,000) is hereby appropriated from the General Fund*
 32 *to the Executive Officer of the California Victim Compensation*
 33 *and Government Claims Board to pay a claim resulting from*
 34 *county special election costs pursuant to Chapter 487 of the*
 35 *Statutes of 2007.*

36 *(b) The amount of the appropriation in subdivision (a) is based*
 37 *on, and reimbursement shall be provided at, a maximum rate of*
 38 *up to one dollar and thirty-seven cents (\$1.37) per registered voter*
 39 *or the actual amount claimed for nonconsolidated elections,*
 40 *whichever is less, and a maximum rate of up to sixty-six cents*

1 (\$0.66) per registered voter or the actual amount claimed for
2 consolidated elections, whichever is less.

3 (c) The funds appropriated in this section may only be used to
4 pay claims for special election costs authorized pursuant to
5 Chapter 487 of the Statutes of 2007. Any funds appropriated in
6 excess of the amounts actually required for the payment of these
7 claims shall revert to the General Fund on June 30, 2009.

8 SEC. 4. The sum of thirty-one thousand seven hundred dollars
9 (\$31,700) is hereby appropriated from the General Fund to the
10 Executive Officer of the California Victim Compensation and
11 Government Claims Board for the payment of Claim No. 565437
12 (In the Matter of the Claim of James Ochoa) accepted by the board
13 and reported to the Legislature pursuant to Section 4904 of the
14 Penal Code.

15 SEC. 5. Pursuant to Section 13965 of the Government Code,
16 the Legislature hereby approves the report submitted by the
17 California Victim Compensation and Government Claims Board
18 on the following victim compensation claims:

19		
20	Claim No. 780029.....	\$9,079.52
21	Claim No. 728990.....	\$4,110.00
22	Claim No. 728997.....	\$4,090.00
23		

24 SEC. 6. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety within
26 the meaning of Article IV of the Constitution and shall go into
27 immediate effect. The facts constituting the necessity are:

28 In order to settle claims against the state and end hardship to
29 claimants as quickly as possible, it is necessary for this act to take
30 effect immediately.

31
32
33 **All matter omitted in this version of the bill**
34 **appears in the bill as amended in the**
35 **Assembly, July 1, 2008 (JR11)**
36